

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cr-10192

United States of America

v.

Carlos Ruben Rivera

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/18/05.

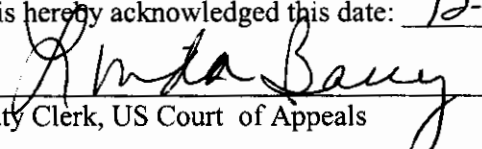
In testimony whereof, I hereunto set my hand and affix the seal of this Court on December 22, 2005.

Sarah A. Thornton, Clerk of Court

By 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 12-22-05.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-10192-NG-ALL**

Case title: USA v. Rivera
Magistrate judge case number: 1:04-mj-01789-CBS

Date Filed: 06/30/2004

Assigned to: Judge Nancy Gertner

Defendant

Carlos Ruben Rivera (1)
TERMINATED: 11/01/2005

represented by **Timothy G. Watkins**
Federal Defender's Office
District of Massachusetts
408 Atlantic Ave.
Third Floor
Suite 328
Boston, MA 02210
617-223-8061
Fax: 617-223-8080
Email: timothy_watkins@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

21:841(a)(1)-POSSESSION AND
DISTRIBUTION OF CONTROLLED
DRUGS
(1)

18:922 (g)(1)-FELON IN
POSSESSION OF AMMUNITION
(2)

21:841(a)(1)-POSSESSION AND
DISTRIBUTION OF CONTROLLED
DRUGS
(3)

Disposition

18 Months Imprisonment; 6 Years S.R.;
no fine; \$300 Spec Assessment

18 Months Imprisonment; 6 Years S.R.;
no fine; \$300 Spec Assessment

18 Months Imprisonment; 6 Years S.R.;
no fine; \$300 Spec Assessment

Highest Offense Level (Opening)

Felony

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

21:841(a)(1); 922(g)(1) - POSSESSION
 WITH INTENT TO DISTRIBUTE
 AND DISTRIBUTION OF A
 CONTROLLED SUBSTANCE, AND
 WITH BEING A FELON IN
 POSSESSION OF AMMUNITION

Disposition

18 Months Imprisonment; 6 Years S.R.;
 no fine; \$300 Spec Assessment

Plaintiff

USA

represented by **Antoinette E.M. Leoney**
 United States Attorney's Office
 John Joseph Moakley Federal
 Courthouse
 1 Courthouse Way
 Suite 9200
 Boston, MA 02210
 617-748-3100
 Fax: 617-748-3951
 Email: antoinette.leoney@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/22/2004	<u>1</u>	SEALED COMPLAINT as to Carlos Ruben Rivera (1). (Catino3, Theresa)[1:04-mj-01789-CBS] (Entered: 06/23/2004)
06/22/2004	<u>2</u>	AFFIDAVIT of Brendan C. Hickey by USA as to Carlos Ruben Rivera re: <u>1</u> Complaint (Sealed) (Catino3, Theresa)[1:04-mj-01789-CBS] (Entered: 06/23/2004)
06/22/2004		Arrest Warrant Issued as to Carlos Ruben Rivera. (Catino3, Theresa) [1:04-mj-01789-CBS] (Entered: 06/23/2004)
06/22/2004	<u>3</u>	MOTION to Seal Case as to Carlos Ruben Rivera by USA. (Catino3, Theresa)[1:04-mj-01789-CBS] (Entered: 06/23/2004)
06/22/2004		Judge Charles B. Swartwood : Electronic ORDER entered granting <u>3</u> Motion to Seal Case as to Carlos Ruben Rivera (1) (Catino3, Theresa) [1:04-mj-01789-CBS] (Entered: 06/23/2004)
06/24/2004		Arrest of Carlos Ruben Rivera (Roland, Lisa)[1:04-mj-01789-CBS] (Entered: 06/24/2004)

06/24/2004	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Initial Appearance as to Carlos Ruben Rivera held on 6/24/2004. Case called, Counsel (Leoney, Watkins), PTS Riley & Dft appear, Defendant informed of rights and c[1:04]arges, Government requests detention, Case continued for Probable Cause & Detention, Dft remanded to the custody of the US Marshal. (4:43 P.) (Roland, Lisa) [1:04-mj-01789-CBS] (Entered: 06/24/2004)
06/24/2004	●4	MOTION to Unseal Case as to Carlos Ruben Rivera by USA. (Catino3, Theresa)[1:04-mj-01789-CBS] (Entered: 06/25/2004)
06/24/2004	●	Judge Charles B. Swartwood : Electronic ORDER entered granting 4 Motion to Unseal Case as to Carlos Ruben Rivera (1) (Catino3, Theresa) [1:04-mj-01789-CBS] (Entered: 06/25/2004)
06/24/2004	●5	Judge Charles B. Swartwood : ORDER OF TEMPORARY DETENTION as to Carlos Ruben Rivera; Detention Hearing set for 6/28/2004 10:30 AM in Courtroom 16 before Magistrate Judge Charles B. Swartwood. (Roland, Lisa)[1:04-mj-01789-CBS] (Entered: 06/28/2004)
06/24/2004	●6	Judge Charles B. Swartwood : ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Carlos Ruben Rivera ; Timothy G. Watkins for Carlos Ruben Rivera appointed. (Roland, Lisa)[1:04-mj-01789-CBS] (Entered: 06/28/2004)
06/24/2004	●9	CJA 23 Financial Affidavit by Carlos Ruben Rivera (Jones, Sherry) (Entered: 07/07/2004)
06/24/2004	●16	Judge Charles B. Swartwood : ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Carlos Ruben Rivera ; Timothy G. Watkins for Carlos Ruben Rivera appointed. (Roland, Lisa) (Entered: 08/02/2004)
06/28/2004	●	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Detention Hearing as to Carlos Ruben Rivera held on 6/28/2004, Preliminary Examination as to Carlos Ruben Rivera held on 6/28/2004. Case called, Counsel (Leoney, Watkins), PTS Brown & Dft appear, Government calls Brendan Hickey, Cross, Re-Direct, Recess, Closing Arguments, The Court finds Probable Cause, Matter of detention taken under advisment, Dft remanded to the custody of the US Marshal. (10:48, 1:45.) (Roland, Lisa) (Entered: 07/05/2004)
06/30/2004	●7	INDICTMENT as to Carlos Ruben Rivera (1) count(s) 1, 2, 3. (Diskes, Sheila) (Entered: 07/01/2004)
06/30/2004	●8	Judge Nancy Gertner : ORDER entered ORDER REFERRING CASE to Magistrate Judge Charles B. Swartwood Reason for referral: Pretrial as to Carlos Ruben Rivera (Diskes, Sheila) (Entered: 07/01/2004)
07/02/2004	●10	Judge Charles B. Swartwood : ORDER entered Memorandum of probable cause and ORDER OF DETENTION as to Carlos Ruben Rivera. (cc/cl) (Jones, Sherry) (Entered: 07/07/2004)
07/08/2004	●13	Judge Nancy Gertner : GENERAL PROCEDURAL ORDER entered as

		to Carlos Ruben Rivera (Filo, Jennifer) (Entered: 07/28/2004)
07/15/2004	<u>11</u>	NOTICE Of Information Pursuant to 21 U.S.C. Section 851 by Carlos Ruben Rivera (Leoney, Antoinette) (Entered: 07/15/2004)
07/16/2004	<u>12</u>	NOTICE OF HEARING as to Carlos Ruben Rivera Arraignment set for 8/5/2004 09:00 AM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (cc/cl)(Jones, Sherry) (Entered: 07/16/2004)
08/02/2004	<u>14</u>	TRANSCRIPT of Probable Cause and Detention Hearing as to Carlos Ruben Rivera held on June 28, 2004 before Judge Swartwood. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young at 508/384-2003 or the Clerk's Office. (Scalfani, Deborah) (Entered: 08/02/2004)
08/02/2004	<u>15</u>	TRANSCRIPT of Probable Cause and Detention Hearing (Afternoon Session) as to Carlos Ruben Rivera held on June 28, 2004 before Judge Swartwood. Tape Transcribed by Maryann Young. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting Maryann Young at 508-384-2003 or the Clerk's Office. (Scalfani, Deborah) (Entered: 08/02/2004)
08/05/2004		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Arraignment as to Carlos Ruben Rivera (1) Count 1,2,3 held on 8/5/2004, Case called, Counsel (Casey, Kelley), PTS Cuascut & Dft appear, Dft informed of rights, charges & maximum penalties, Not Guilty Plea entered by Carlos Ruben Rivera on counts 1-3, Scheduling Order issued, Dft remanded to the custody of the US Marshal. (10:47 A.) (Roland, Lisa) (Entered: 08/05/2004)
08/05/2004	<u>17</u>	NOTICE OF HEARING as to Carlos Ruben Rivera ; Status Conference set for 9/15/2004 03:15 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 08/05/2004)
08/05/2004	<u>18</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Carlos Ruben Rivera; Time excluded from August 5, 2004 until August 19, 2004, cc/cl. (Roland, Lisa) (Entered: 08/05/2004)
08/05/2004	<u>19</u>	Judge Charles B. Swartwood : SCHEDULING ORDER as to Carlos Ruben Rivera, cc/cl. (Roland, Lisa) (Entered: 08/05/2004)
09/07/2004	<u>20</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Carlos Ruben Rivera Appeal taken from case Charles B. Swartwood, III. (Attachments: # 1 Exhibit A# 2 Exhibit B - Part 1# 3 Exhibit B - Part 2# 4 Exhibit B - Part 3# 5 Exhibit B - Part 4# 6 Exhibit B - Part 5# 7 Exhibit B - Part 6)(Watkins, Timothy) (Entered: 09/07/2004)
09/10/2004	<u>21</u>	STATUS REPORT (Joint) by USA as to Carlos Ruben Rivera (Leoney, Antoinette) Additional attachment(s) added on 9/13/2004 (Jones, Sherry). (Entered: 09/10/2004)
09/14/2004		Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Bond Hearing as to Carlos Ruben Rivera held on 9/14/2004.

		Case called, Counsel (Casey, Watkins), PTS Cuascut & Dft appear, Counsel agree to pretrial condions, Dft released on conditions. (11:25 A.) (Roland, Lisa) (Entered: 09/14/2004)
09/14/2004	<u>22</u>	Judge Charles B. Swartwood : ORDER entered ORDER Setting Conditions of Release as to Carlos Ruben Rivera (1) \$50,000 unsecured. (Hassett, Kathy) (Entered: 09/14/2004)
09/14/2004		Unsecured Bond Entered as to Carlos Ruben Rivera in amount of \$ \$ 50,000.00. (Roland, Lisa) (Entered: 09/15/2004)
10/29/2004	<u>23</u>	Letter (non-motion) regarding Transcript Request as to Carlos Ruben Rivera (Watkins, Timothy) (Entered: 10/29/2004)
01/13/2005	<u>24</u>	TRANSCRIPT of Bond Hearing Proceedings as to Carlos Ruben Rivera held on September 14, 2004 before Judge Charles B. Swartwood, III. Court Reporter: Digital. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Jones, Sherry) (Entered: 01/13/2005)
01/20/2005		ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Carlos Ruben Rivera held on 1/20/2005. Case called, Counsel (Leoney, Watkins) appear, Case to be sent back to Judge Gertner, Time to be excluded, Final Status Report to issue. (12:26 P.) (Roland, Lisa) (Entered: 01/20/2005)
01/20/2005	<u>25</u>	Judge Charles B. Swartwood : FINAL STATUS REPORT as to Carlos Ruben Rivera, cc/cl. (Roland, Lisa) (Entered: 01/21/2005)
01/20/2005	<u>26</u>	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Carlos Ruben Rivera; Time excluded from August 19, 2004 until January 20, 2005, cc/cl. (Roland, Lisa) (Entered: 01/21/2005)
01/21/2005		Case as to Carlos Ruben Rivera no longer referred to Magistrate Judge Charles B. Swartwood. (Roland, Lisa) (Entered: 01/21/2005)
03/28/2005	<u>27</u>	MOTION for Rule 11 Hearing <i>AND FOR AN ORDER ON EXCLUDABLE DELAY</i> as to Carlos Ruben Riveraby USA. (Leoney, Antoinette) (Entered: 03/28/2005)
03/29/2005		Judge Nancy Gertner : Electronic ORDER entered granting <u>27</u> Motion for Rule 11 Hearing as to Carlos Ruben Rivera (1)...RULE 11 HEARING SET FOR 4/7/05 AT 10:00am, spanish interpreter will be present. (Molloy, Maryellen) (Entered: 03/29/2005)
03/30/2005		Judge Nancy Gertner : Electronic ORDER Setting Rule 11 hearing for 4/7/05 at 10:00AM as to CARLOS RUBEN RIVERA. The parties are advised that the Court will not accept a plea agreement which requires the defendant to waive his/her appeal rights. The Court deems it the responsibility of the United States Attorney to advise the defendant whether there is a statutory requirement that the defendant be placed into custody of the United States Marshal immediately following the Court=s entry of a guilty plea. It is ORDERED that a copy of the written plea agreement, together with notice whether detention may follow acceptance

		of the plea, shall be submitted to the Court by no later than 12:00 Noon the day before the scheduled Rule 11 hearing (Molloy, Maryellen) (Entered: 03/30/2005)
03/31/2005	<u>28</u>	Assented to MOTION to Order a Pre-Plea Presentence Report as to Carlos Ruben Rivera. (Watkins, Timothy) (Entered: 03/31/2005)
04/05/2005	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>28</u> Assented to Motion for Pre-Plea Sentence Report as to Carlos Ruben Rivera (1) (Filo, Jennifer) (Entered: 04/05/2005)
04/05/2005	●	ELECTRONIC NOTICE CANCELLING RULE 11 HEARING SET FOR 4/7/05, (note:cnsI requested that hrg be continued pending the completion of the psr) as to CARLOS RUBEN RIVERA. No new date has been set, counsel will contact clerk for new Plea/Sentencing date. (Molloy, Maryellen) (Entered: 04/05/2005)
04/11/2005	●	Electronic NOTICE OF RESCHEDULING as to Carlos Ruben Rivera Plea and Sentence set for 7/26/2005 02:30 PM in Courtroom 2 before Nancy Gertner. (Molloy, Maryellen) (Entered: 04/11/2005)
04/14/2005	<u>29</u>	MOTION to Modify Conditions of Release (<i>Unopposed</i>) as to Carlos Ruben Rivera. (Attachments: # <u>1</u> Exhibit 1)(Watkins, Timothy) (Entered: 04/14/2005)
04/19/2005	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>29</u> Assented to Motion to Modify Conditions of Release as to Carlos Ruben Rivera(1) to extend the curfew to 9:00pm....Allowed by the court. (Molloy, Maryellen) (Entered: 04/19/2005)
06/08/2005	<u>30</u>	MOTION to Modify Conditions of Release (<i>Unopposed</i>) as to Carlos Ruben Rivera. (Watkins, Timothy) (Entered: 06/08/2005)
06/15/2005	●	Judge Nancy Gertner : Electronic ORDER entered granting <u>30</u> (unopposed) Motion to Modify Conditions of Release as to Carlos Ruben Rivera (1)...to allow him to change is residence to his mother;s home in New Bedford, see motion for details. (Molloy, Maryellen) (Entered: 06/15/2005)
07/05/2005	<u>31</u>	SENTENCING MEMORANDUM by Carlos Ruben Rivera (Watkins, Timothy) (Entered: 07/05/2005)
07/06/2005	●	ELECTRONIC NOTICE OF RESCHEDULING as to Carlos Ruben Rivera: Change of Plea Hearing RESET FROM 7/26/05 TO 7/27/2005 11:00 AM in Courtroom 2 before Judge Nancy Gertner. NOTE: Sentencing hearing will be rescheduled to sometime in September, defense counsel anticipates that an evidentiary hearing will be needed. ORDERED: The parties are advised that the Court will not accept a plea agreement which requires the defendant to waive his/her appeal rights. The Court deems it the responsibility of the United States Attorney to advise the defendant whether there is a statutory requirement that the defendant be placed into custody of the United States Marshal immediately following the Court's entry of a guilty plea. It is ORDERED

		that a copy of the written plea agreement, together with notice whether detention may follow acceptance of the plea, shall be submitted to the Court by no later than 12:00 Noon the day before the scheduled Rule 11 hearing. (Molloy, Maryellen) (Entered: 07/06/2005)
07/07/2005	<u>32</u>	Government's Letter (non-motion) regarding Change of Plea as to Carlos Ruben Rivera (Leoney, Antoinette) (Entered: 07/07/2005)
07/07/2005	<u>33</u>	MOTION for Extension of Time to August 12, 2005 to File Response/Reply <i>To Defendant's Sentencing Memorandum</i> as to Carlos Ruben Riveraby USA. (Leoney, Antoinette) (Entered: 07/07/2005)
07/12/2005		Judge Nancy Gertner : Electronic ORDER entered granting <u>33</u> Motion for Extension of Time to 8/12/05 to File Response/Reply to dft Sentencing Memo as to Carlos Ruben Rivera (1) (Molloy, Maryellen) (Entered: 07/12/2005)
07/12/2005		ELECTRONIC NOTICE OF RESCHEDULING PLEA/SENTENCING HEARING as to Carlos Ruben Rivera: Plea and Sentencing RESET FROM 7/26/05 TO 9/14/2005 11:00 AM in Courtroom 2 before Judge Nancy Gertner. (Molloy, Maryellen) (Entered: 07/12/2005)
07/28/2005		Electronic Clerk's Notes for proceedings held before Judge Nancy Gertner : DFT SPEAKS ENGLISH; NO PLEA AGREEMENT; Change of Plea Hearing as to Carlos Ruben Rivera held on 7/28/2005, Plea entered by Carlos Ruben Rivera (1) Guilty Count 1,2,3, court accepts the plea. Gvt moves for detention-dft has no objection; Sentencing set for 9/14/2004 11:00 AM in Courtroom 2 before Judge Nancy Gertner. DFT REMANDED TO US CUSTODY, court adjourned.(Court Reporter O'Hara.) (Molloy, Maryellen) (Entered: 07/28/2005)
07/29/2005	<u>34</u>	Letter (non-motion) regarding state court records as to Carlos Ruben Rivera filed by USA. (Attachments: # <u>1</u> Exhibit)(Filo, Jennifer) (Entered: 08/03/2005)
08/12/2005	<u>35</u>	Second MOTION for Extension of Time to August 19, 2005 to File Response/Reply as to <u>31</u> Sentencing Memorandum as to Carlos Ruben Riveraby USA. (Leoney, Antoinette) (Entered: 08/12/2005)
08/15/2005		Judge Nancy Gertner: Electronic ORDER entered granting <u>35</u> Second Motion for Extension of Time to 8/19/05 to File Response/Reply as to Carlos Ruben Rivera (1) (Filo, Jennifer) (Entered: 08/15/2005)
08/19/2005	<u>36</u>	RESPONSE TO SENTENCING MEMORANDUM by USA as to Carlos Ruben Rivera (Leoney, Antoinette) (Entered: 08/19/2005)
08/19/2005	<u>37</u>	MOTION for Leave to File Excess Pages <i>To Government's Memorandum of Law in Response and in Opposition to Defendant's Sentencing Memorandum</i> as to Carlos Ruben Riveraby USA. (Leoney, Antoinette) (Entered: 08/19/2005)
08/31/2005	<u>38</u>	Letter (non-motion) regarding Government's Memorandum for Purposes of Sentencing as to Carlos Ruben Rivera (Watkins, Timothy) (Entered: 08/31/2005)

09/01/2005	39	SEALED MOTION as to Carlos Ruben Riveraby USA. (Filo, Jennifer) (Entered: 09/01/2005)
09/01/2005	40	SEALED DOCUMENT by USA as to Carlos Ruben Rivera (Filo, Jennifer) (Entered: 09/01/2005)
09/01/2005	41	SEALED MOTION as to Carlos Ruben Riveraby USA. (Filo, Jennifer) (Entered: 09/01/2005)
09/01/2005	42	SEALED Letter (non-motion) to Attorney Watkins from AUSA Leoney as to Carlos Ruben Rivera (Filo, Jennifer) (Entered: 09/01/2005)
09/09/2005	43	MOTION Decrease Offense Level By One Additional Level For Acceptance Of Responsibility as to Carlos Ruben Riveraby USA. (Leoney, Antoinette) (Entered: 09/09/2005)
09/14/2005		Electronic clerk's notes for proceedings held before Judge Nancy Gertner:Evidentiary hearing as to Carlos Ruben Rivera held on 9/14/2005; Antoinette Leoney for the govt., Timothy Watkins for the deft. and Ina Howard-Hogan for Probation Office; The first witness called - Mr. Silva (sworn) and the second witness called - Special Agent Hickey (sworn); The sentencing reset for 10/11/2005 2:00 PM in Courtroom 2 before Judge Nancy Gertner. (Court Reporter Valerie O'Hara.) (Filo, Jennifer) (Entered: 09/15/2005)
09/14/2005	44	WITNESS LIST as to Carlos Ruben Rivera (Filo, Jennifer) (Entered: 09/15/2005)
09/23/2005		ELECTRONIC NOTICE OF RESCHEDULING "TIME ONLY" as to Carlos Ruben Rivera: Sentencing set for 10/11/2005...NOTE: time is reset from 2:00PM to 10:00AM in Courtroom 2 before Nancy Gertner. (Molloy, Maryellen) (Entered: 09/23/2005)
10/06/2005	45	SEALED TRANSCRIPT of Sentencing/Evidentiary Hearing, Day One as to Carlos Ruben Rivera held on September 14, 2005 before Judge Gertner. Court Reporter: Valerie A. O'Hara. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/737-2346 or the Clerk's Office. (Scalfani, Deborah) (Entered: 10/06/2005)
10/12/2005		ELECTRONIC NOTICE CANCELLING SENTENCING HEARING SET FOR 10/11/05 as to Carlos Ruben Rivera. Counsel will notify clerk once a new date is established. (Molloy, Maryellen) (Entered: 10/12/2005)
10/13/2005		ELECTRONIC NOTICE OF RESCHEDULING as to Carlos Ruben Rivera Sentencing RESET FROM 10/11/05 TO 10/20/2005 10:00 AM in Courtroom 2 before Nancy Gertner. COUNSEL SHALL NOTIFY THE PROBATION OFFICER OF NEW DATE. (dft speaks english)(Molloy, Maryellen) (Entered: 10/13/2005)
10/21/2005		ElectronicClerk's Notes for proceedings held before Judge Nancy Gertner :Sentencing held on 10/21/2005 for Carlos Ruben Rivera (1), 1, 2, 3, Dft sworn; Sentence Imposed: 18 Months Imprisonment; 6 Years

		S.R.; no fine; \$300 Spec Assessment; Spec Cond of S.R.: no firearm. Rec to BOP: that the defendant serve his sentence at FMC Forth Worth, Forth Worth TX. Dft remanded to US Custody, court adjourned, jgm to follow.. (Court Reporter O'Hara.) (Molloy, Maryellen) Modified on 10/31/2005 (Molloy, Maryellen). (Entered: 10/21/2005)
11/01/2005	<u>46</u>	Judge Nancy Gertner: ORDER entered. JUDGMENT as to Carlos Ruben Rivera (1), 1, 2, 3, 18 Months Imprisonment; 6 Years S.R.; no fine; \$300 Spec Assessment (Attachments: # <u>1</u> Transcript) (Filo, Jennifer) (Entered: 11/02/2005)
11/18/2005	<u>47</u>	NOTICE OF APPEAL by USA, USA as to Carlos Ruben Rivera. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/8/2005. (Leoney, Antoinette) (Entered: 11/18/2005)